STATEMENT OF COMMISSIONER ROBERT M. McDOWELL

Re. Closed Captioning of Video Programming; Closed Captioning Requirements for Digital Television Receivers, CG Docket No. 05-231 and ET Docket No. 99-254.

I am delighted that the Commission has moved to streamline and simplify the complaint process for consumers experiencing problems with closed captioning. It also is appropriate for us to clarify, to the extent anyone seriously needs such guidance, that the mere transition of a programming channel or network from analog to digital format does not alter the existing obligations of a "video programming distributor" – meaning a broadcaster, cable operator, satellite television operator, or other multichannel video provider – to provide closed captioning to serve people with hearing disabilities.

Today's revisions to the consumer complaint process for closed captioning should not be an end point for reform of the Commission's complaint processes generally. I have not forgotten the February 2008 findings of the U.S. Government Accountability Office ("GAO"), which reviewed the FCC's enforcement procedures generally and found them wanting in several respects. Among other issues, GAO noted that the Commission has received an annually increasing number of complaints of all types in recent years, but that the agency has not set measurable enforcement goals in many instances and lacks reliable data-collection and analysis processes that would help us better analyze trends, allocate Commission resources, and accurately track and monitor complaints and their disposition. Going forward, I will look for us to re-double our efforts to make the consumer complaint process easier and accurately assess how well we handle our enforcement responsibilities.

¹ See U.S. Government Accountability Office, Report to the Chairman, Subcommittee on Telecommunications and the Internet, Committee on Energy and Commerce House of Representatives, *Telecommunications: FCC Has Made Some Progress in the Management of Its Enforcement Program but Faces Limitations, and Additional Actions Are Needed*, GAO-08-125 (February 2008).